

## REMARKS

Favorable consideration of this application is respectfully requested.

Claims 1-16 and 18-25 are currently active in this case. Claim 1 has been amended by way of present amendment.

In the outstanding office action, Claims 1-16 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 has been amended to cite "different priority" for quality reported. Consistent with the remarks presented in the previous office action response, the cited references either individually fail to teach or suggest different priority exceptions issued when the exception is caused by quality that breaches an upper boundary condition compared to when the exception is issued because quality falls below the lower boundary condition in a broadband access system practicing distributed quality of service.

Furthermore, Applicant's specification page 6 line 22 – page 7, line 1, et al, clearly indicate different priority exceptions for different boundary conditions.

Therefore, Applicants respectfully, submit that Claim 1 meets the requirements of 35 USC and is patentable. Accordingly, Applicants respectfully request that the rejection be withdrawn.

Consequently, no further issues are believed to be outstanding, and it is respectfully submitted that this case is in condition for allowance. An early and favorable action is respectfully requested.

Respectfully submitted,

REED SMITH LLP

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By: 

Name: John W. Carpenter

Registration No. 39,129

Two Embarcadero Center  
Suite 2000  
PO Box 7936  
San Francisco, CA 94120-7936  
**Direct Dial (415) 659-5927**  
(415) 543-8700 Telephone  
(415) 391-8269 Facsimil0065